

REMARKS

The Examiner's Office Action of January 15, 2003 has been received and its contents reviewed. Applicant would like to thank the Examiner for the consideration given to the above-identified application.

Claims 1-30 are pending in the present application, of which claims 1, 7, 13, 19, and 25 are independent. By the above actions, claims 1, 7, 13, 19, and 25 have been amended. In view of these actions and the following remarks, reconsideration of this application is now requested.

Referring now to the detailed Office Action, claims 1-30 stand rejected under 35 U.S.C. §102(e) as anticipated by Nakajima et al. (U.S. Patent No. 6,001,714 – Nakajima). This rejection is respectfully traversed at least for the reasons provided below.

As amended, independent claims 1 and 7 recite that only a portion of the impurity region is overlapped with a portion of the gate electrode. Independent claims 13, 19, and 25 recite an impurity region having a first portion overlapped with a portion of the gate electrode, and a second portion not overlapped with the gate electrode. Clearly, the presently claimed invention recites a portion of the impurity region not overlapped with the gate electrode. Support for this feature can be found at least in, e.g., Fig. 4B of the present application.

On the other hand, Fig. 14 of Nakajima discloses that the entire portion of the impurity region 52 is overlapped with the gate electrode 18. Hence, Nakajima fails to disclose that the impurity region is partially overlapped with a portion of the gate electrode. Therefore, claims 1 and 7 should be considered allowable over Nakajima.

Claims 13, 19, and 25, which have been amended to correct typographical errors, clearly recite the above discussed feature of an impurity region having a first portion overlapped with a portion of the gate electrode, and a second portion not overlapped with the gate electrode. In the rejection of claims 13, 19, and 25, the Examiner is equating the impurity region 52 of Nakajima to the impurity region of the presently claimed invention. Further, the Examiner is alleging that the impurity region 52 includes a first portion overlapped with the gate electrode and a second portion not overlapped with the gate electrode. However, there is no such support for this assertion. Should the Examiner still maintain this rejection, Applicant respectfully requests the Examiner point out the specific

disclosure in Nakajima supporting this assertion.


The arguments set forth above with respect to independent claims 1, 7, 13, 19, and 25 are also applicable to the rejection of the pending dependent claims.

Consequently, since each and every feature of the present claims is not taught (and is not inherent) in the teachings of Nakajima, as is required by MPEP Chapter 2131 in order to establish anticipation, the rejection of claims 1-30, under 35 U.S.C. §102(e), as anticipated by Nakajima is improper.

In view of the amendments and arguments set forth above, Applicant respectfully requests reconsideration and withdrawal of all the pending §102(e) rejection.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise which could be eliminated through discussions with Applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Respectfully submitted,



Luan C. Do
Registration No. 38,434

NIXON PEABODY LLP
8180 Greensboro Drive, Suite 800
McLean, VA 22102
(703) 770-9300